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7 BEFORE THE INSURANCE COMMISSIONER
8 OF THE STATE OF WASHINGTON

9 In the Matter of the Application regarding the
10 Conversion and Acquisition of Control of
11 Premera Blue Cross and its Affiliates,

Docket No. G02-45

12 MOTION FOR EXTENSION OF
13 DEADLINE IN TWENTY-FOURTH
14 ORDER

15 **RELIEF REQUESTED**

16 The Alaska Interveners seek an extension of a deadline contained in the Commissioner's
17 Twenty-Fourth Order, which requires the parties to seek the Special Master's permission to use
18 the final Alaska reports by January 26, 2004. As demonstrated below, an extension of the
19 January 26, 2004 deadline to March 12, 2004 is necessary and will not prejudice the rights of the
20 other parties.

21 **ARGUMENT**

22 The Twenty-Fourth Order requires that any party who wishes to use any portion of the
23 *final* Alaska reports in this proceeding must seek the Special Master's permission to do so by

1 January 26, 2004. Twenty-Fourth Order at 4. Because the Commissioner's Twenty-Fifth Order
2 of January 9, 2004 extends all other deadlines in the proceeding and none of the Alaska reports
3 will be final until the same date the OIC consultants' reports will be final, February 27, 2004, the
4 Alaska Intervenors request that the January 26, 2004 be extended until March 12, 2004.¹

5 An extension until March 12, 2004 corresponds to the date by which the Intervenors'
6 supplemental expert reports are due under the current case scheduling order. Twenty-Fifth Order
7 at 2. A March 12, 2004 deadline will allow the Alaska Intervenors' (and all other parties)
8 experts to review the Alaska reports and provide any relevant analysis of the ADI's findings in
9 their own supplemental reports. A March 12, 2004 deadline will also provide all parties the
10 necessary time to review the Alaska reports (assuming all parties receive the reports immediately
11 after the reports have been issued by the ADI to Premera), determine which portions are relevant
12 to the Commissioner's consideration of the proposed conversion, and prepare the appropriate
13 motion for the Special Master.

14 Without this modest extension, the Alaska Intervenors will not be allowed to introduce
15 the Alaska reports and the purpose of the Commissioner's Twenty-Fourth Order will be
16 thwarted. In issuing the Twenty-Fourth Order, the Commissioner clearly recognized the
17 relevance of the Alaska reports to the OIC proceeding. If, however, the Alaska Intervenors are
18 required to seek permission of the *final* Alaska reports on January 26, 2004 -- before the reports
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20 ¹ Pursuant to a January 12, 2004 conversation with Nick Atwood, counsel for the Alaska Division of Insurance
21 (ADI) Staff, counsel for the Alaska Intervenors was informed that the Alaska reports are expected to be completed at
22 the same time as the OIC Consultants' reports will be completed. The Alaska reports cannot be completed by
23 January 26, 2004 because the ADI will be issuing supplemental and final reports based on any amendments to the
Form A filed by Premera.

1 are actually final-- the Alaska Intervenors will be required to meet an impossible deadline and
2 thus, will be denied the right to introduce relevant evidence regarding their interests in the
3 proceeding. Such a result would be plainly contrary to the Commissioner's intent to allow the
4 parties to introduce the Alaska reports into the OIC proceeding and to permit the Alaska
5 Intervenors intervenor status to present information critical to their interests and relevant to the
6 Commissioner's review.

7 In their January 8, 2004, Joint Motion to Extend Case Schedule in Twenty-Third Order,
8 both Premera and the OIC agreed that the granting of that motion should not prejudice the right
9 of any party to seek relief with respect to the provisions of the Twenty-Fourth Order, including
10 modification of any deadlines therein. Joint Motion at 2, n. 1. In addition, none of the other
11 parties will be prejudiced by the requested extension. First, *all* other deadlines in the case
12 scheduling order have now been extended so that Premera could (1) continue its discussions with
13 the OIC Consultants (and the ADI consultants) regarding the various concerns the consultants
14 have raised regarding Premera's Form A application; (2) Premera could make any necessary
15 changes to its Form A; and (3) the consultants could render new reports based on changes to the
16 Form A. Twenty-Fifth Order. Second, the requested extension does not impinge on any other
17 deadline in the current case scheduling order.

18 CONCLUSION

19 For the foregoing reasons, the Alaska Intervenors respectfully request that the deadline
20 for seeking the Special Master's permission to use the final Alaska reports be extended from
21 January 26, 2004 to March 12, 2004.

1 Dated this 13th day of January, 2004.

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3 Respectfully submitted by:

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10 Anchorage Neighborhood Health Center

11 On behalf of all Alaska Intervenors
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